

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KENTA SETTLES,	)	CASE NO. 1:20 CV 1288/20 CV 1631
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
MICHAEL MALAK, <i>et al.</i> ,	)	<u>ORDER</u>
	)	
Defendants.	)	

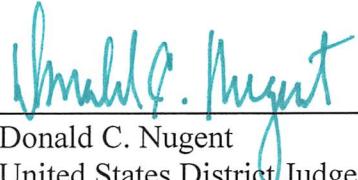
This matter is before the Court on the Motion of Defendants Patrolman Michael Malak, Patrolman Robert Pitts, Patrolman Brian Regovich, Patrolman Rob Jarzembak, Sergeant William Gall, Lieutenant Todd Varg, and the City of Garfield Heights to Consolidate Civil Actions 1:20 CV 1288-DCN and 1:20 CV 1631-SO. (ECF #18)

In Case No. 20 CV 1288, Plaintiff Kenta Settles, alleges that police officers employed by the City of Garfield Heights, used excessive force when they arrested Mr. Settles on January 23, 2020. (Settles 1) After the Defendant Officers filed a counterclaim against Mr. Settles, Mr. Settles filed a separate action against two of the Defendant officers and the City of Garfield Heights alleging that the counterclaims constitute unlawful retaliation in violation of the First Amendment. (Settles 2) The Defendants in Settles 2 filed a motion to consolidate the two cases which Judge Oliver granted finding “[b]ecause the issues in this case are inextricably intertwined with the Defendant officers’ counterclaims in the earlier filed action pending before Judge Nugent, proceeding with simultaneous, parallel litigation before different judges would be inefficient and wasteful of judicial resources.” Settles 2 has now been transferred to this Court.

As Judge Oliver recognized, these two cases are “inextricably intertwined,” making consolidation of the two cases appropriate to conserve judicial resources as well as to streamline

the pretrial management. Accordingly, Defendants' Motion to Consolidate (ECF #18) is granted. The Clerk of Courts shall consolidate these actions under the earlier case number and from this date forward, the parties shall file all documents in Case No. 1: 20 CV 1288.

IT IS SO ORDERED.



Donald C. Nugent  
United States District Judge

Date: August 10, 2020